

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COURTESY COPY

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FLORIO'S ENTERPRISES, INC. d/b/a :
FLORIO'S RESTAURANT; & 192 GRAND :
ST. CIGAR AND TRADING CO. INC., :

Plaintiffs, :

-against-

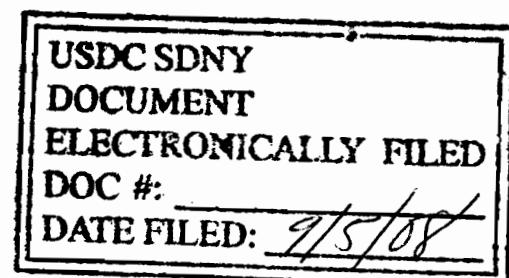
THE CITY OF NEW YORK; THE NEW YORK :
CITY DEPARTMENT OF HEALTH AND :
MENTAL HYGIENE; THE NEW YORK CITY :
DEPARTMENT OF HEALTH AND MENTAL :
HYGIENE TRIBUNAL; THE STATE OF NEW :
YORK; & THE NEW YORK STATE :
DEPARTMENT OF HEALTH, :

Defendants. :
-----X

**STIPULATION OF
DISCONTINUANCE**

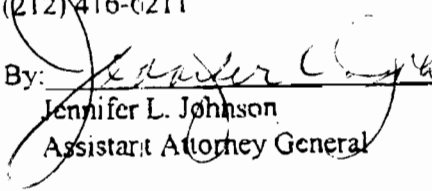
08 Civ. 5903 (SAS)(DF)

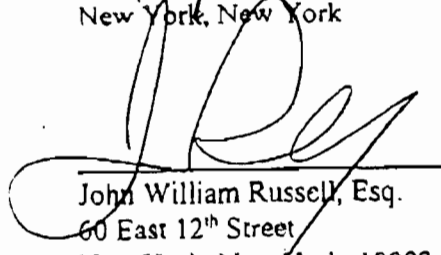
IT IS HEREBY STIPULATED AND AGREED by and between the undersigned
counsel for the plaintiffs and for the defendants State of New York and the New York State
Department of Health ("the State defendants") that the above-captioned action is withdrawn and
discontinued with prejudice as against the State defendants, and that the parties shall bear their
own attorneys' fees, costs, and disbursements.

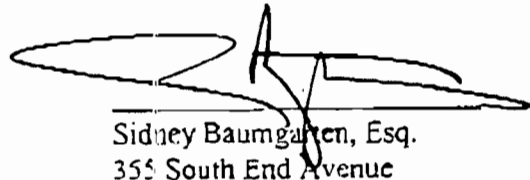


IT IS ALSO FURTHER STIPULATED AND AGREED that facsimile signatures on
this stipulation shall be deemed to be the originals.

DATED: August 28, 2008
New York, New York

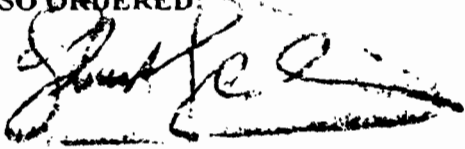
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DATED: 9/2/08
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DATED: 9/2/08
New York, New York

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(646) 338-8371

Plaintiffs' Counsel

Plaintiffs' Counsel

SO ORDERED:

SHIRA A. SCHEINDLIN
U.S.D.J. 9/4/08